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February 28, 1997

Martin E. Clarke  
Clarke Container, Inc., Clarke Sanitary Landfill,  
Clarke's Complete Collection, Clarke's Incinerations, Inc.  
2040 East Kemper Road  
Cincinnati, OH 45241-1804

**SKINNER LANDFILL SUPERFUND SITE**

Dear Mr. Clarke:

This firm represents a group of companies, including The Dow Chemical Company, Ford Motor Company, GE Aircraft Engines, Morton International, PPG Industries, Inc., and Velsicol Chemical Corporation (hereinafter "the Group"), in an action to be filed on their behalf in March 1997 in the United States District Court for the Southern District of Ohio. The Group consists of companies that have incurred response costs associated with the Skinner Landfill in West Chester, Ohio ("the Site") and are parties to a Unilateral Administrative Order and Consent Order with the United States Environmental Protection Agency ("EPA") regarding certain activities at the Site. The Complaint will seek from you and a number of other defendants recovery of costs incurred and to be incurred by the Group.

Most of the defendants have already received some background information about the Skinner Landfill from EPA. Upon information and belief, the Site was used for waste disposal from the 1930s until the late 1980s. The Site was operated as a family-owned business from the time the Skinners purchased the property (in or around 1947). All members of the Skinner family that worked at the Site have been deposed or interviewed regarding operations of the landfill and identification of PRPs. In addition, Elsa Skinner, who maintained the accounting records for the Skinner business for the entire time it was in operation, provided an accounting ledger spanning the period 1955 to 1987.

Many parties have already received nexus data that describe the evidence allegedly tying them to the Site. Enclosed with this letter is an additional package referencing your alleged nexus to the Site. This information was obtained through the efforts of EPA and the Group. EPA conducted a Responsible Party Search, took several administrative depositions and conducted several witness

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interviews, and obtained responses to Section 104(e) requests for information from a number of PRPs. The Group hired an investigator to identify additional PRPs and to interview individuals with knowledge of the Site and its customers during the years of operation.<sup>1/</sup>

As we mentioned above, the Group intends to file its Complaint in March, but will temporarily refrain from serving the Complaint on you in the hope that the parties can reach consensus on an Alternative Dispute Resolution ("ADR") process to be conducted in lieu of traditional litigation. We believe that this approach is more equitable and cost effective for all the parties concerned. As you know, EPA has already endorsed such an approach in this case to bring about an allocation that is fair, reasonable, and acceptable to the parties.

As you know, there is a meeting scheduled for March 11, 1997 in Cincinnati to discuss these and other issues. We will provide to you shortly before or at that meeting a model ADR protocol that we would like to use as a starting point for developing a consensual ADR process. The Group wants to stress that you and your client will have input on the type of allocation process that will be most effective for this particular Site. We anticipate using the next month to entertain comments on the ADR procedure and to develop an acceptable ADR process.

We encourage you to attend the March 11<sup>th</sup> meeting. If you have any questions before then, please feel free to call me at (202) 789-6019, Fred Wagner of my office at (202) 789-6041, or Michael Kay at (517) 636-7872.

Sincerely yours,

Karl S. Bourdeau

On Behalf of: The Dow Chemical Company,  
Ford Motor Company, GE Aircraft Engines  
Morton International, PPG Industries, Inc.  
Velsicol Chemical Corporation

Enclosures

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<sup>1/</sup> At the request of EPA, the nexus materials have been redacted in an initial effort to protect the privacy of non-Skinner family member witnesses. We anticipate that full, unredacted versions of the nexus materials will be provided to cooperating PRPs during the course of the ADR proceedings.